

By



H.B. No. 194

A BILL TO BE ENTITLED

AN ACT

relating to the creation of the Texas Committee to Study the Release of Genetically Engineered Microorganisms, providing for notice of proposed releases of genetically engineered microorganisms, and to assistance provided by the Texas Department of Commerce to biotechnology companies interested in releasing genetically engineered microorganisms into the environment.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. DEFINITIONS. In this Act:

(1) "Genetically engineered microorganism" means a microorganism, including a bacterium or virus, whose genes have been artificially altered for scientific or commercial purposes.

(2) "Committee" means the Texas Committee to Study the Release of Genetically Engineered Microorganisms.

(3) "Outdoor environment" means any area outside the confines of a laboratory or other closed and secured building or structure and includes forests, fields, streams, rivers, lakes, other bodies of water, the atmosphere, and plants and animals outside the confines of a laboratory or other closed and secured building.

(4) "Person" means an individual, association, corporation, state agency, political subdivision of the state, or any other legal entity.

(5) "Department" means the Department of Agriculture.

1           (6) "Release" means to cause an organism to enter the  
2 outdoor environment.

3           SECTION 2. CREATION OF COMMITTEE. (a) The Texas Committee  
4 to Study the Release of Genetically Engineered Microorganisms is  
5 created.

6           (b) The committee consists of:

7           (1) two representatives of the scientific community  
8 who have expertise in the techniques and applications of genetic  
9 engineering and one representative of the biotechnological industry  
10 appointed by the governor with the advice and consent of the  
11 senate;

12           (2) two members appointed by the lieutenant governor,  
13 one of whom is a representative of the biotechnological industry  
14 and one of whom is a representative of the general public who has a  
15 background with a demonstrated expertise and understanding in  
16 environmental protection;

17           (3) two members appointed by the speaker of the house  
18 of representatives, one of whom is a representative of the  
19 biotechnological industry and one of whom is a representative of  
20 the public who has a background with a demonstrated expertise and  
21 understanding in environmental protection;

22           (4) a representative of the department whose work  
23 involves expertise in animal health or pesticide issues, appointed  
24 by the commissioner of agriculture;

25           (5) a representative of the Texas Department of Health  
26 whose work involves expertise in environmental health or  
27 environmental quality issues, appointed by the commissioner of

1 health;

2 (6) a representative of the Texas Water Commission  
3 whose work involves expertise in environmental quality issues;

4 (7) a representative of the Texas Air Control Board  
5 whose work involves expertise in environmental quality issues; and

6 (8) the director of the oil and gas division of the  
7 Railroad Commission of Texas.

8 (c) The governor shall appoint the chairman of the  
9 committee.

10 SECTION 3. POWERS AND DUTIES. (a) The committee shall  
11 study:

12 (1) federal and state laws, rules, and regulations  
13 governing the release of genetically engineered microorganisms to  
14 determine their adequacy in governing the release of genetically  
15 engineered microorganisms; and

16 (2) whether additional state laws, rules, or  
17 regulations to govern release of genetically engineered  
18 microorganisms are necessary.

19 (b) The committee shall prepare a plan that provides for:

20 (1) intergovernmental cooperation concerning the  
21 implementation of federal regulations on the release of genetically  
22 engineered microorganisms; and

23 (2) public education concerning the findings of the  
24 committee.

25 (c) Not later than December 1, 1990, the committee shall  
26 complete and have ready to submit a report to the 72nd Legislature.  
27 The report shall include recommendations concerning:

1           (1) the potential impact, if any, on the environment,  
2 public health, safety, and welfare associated with the release of  
3 genetically engineered microorganisms into the outdoor environment  
4 of this state;

5           (2) an assessment of whether state and federal  
6 regulations are adequate governing the release of genetically  
7 engineered microorganisms into the outdoor environment of this  
8 state; and

9           (3) recommendations for statutory changes.

10          (d) This section expires September 1, 1991.

11          SECTION 4. NOTIFICATION OF RELEASE OF GENETICALLY ENGINEERED  
12 MICROORGANISMS. (a) A person who proposes to release genetically  
13 engineered microorganisms into the outdoor environment shall, not  
14 less than 30 days before the date of the proposed release, notify  
15 the appropriate state agency as required under federal law. If  
16 federal law does not require notification to a state agency of a  
17 particular proposed release, the person making the release shall  
18 notify the department 30 days before the release of the nature of  
19 the proposed release or releases, the proposed release date or  
20 dates, and the site of the release. If an accidental release  
21 occurs, the person making the release shall notify the department  
22 not later than the 10th day after the first date on which the  
23 person knows of the accidental release.

24          (b) The appropriate state agency shall provide to the  
25 committee a copy of all notices received relating to proposed  
26 releases of genetically engineered microorganisms.

27          SECTION 5. ASSISTANCE; DEPARTMENT DUTIES. (a) The

1 committee may request the assistance of state agencies, counties,  
2 municipalities, and other political subdivisions of the state as  
3 necessary to perform its duties under this Act, and those entities  
4 shall provide the assistance requested.

5 (b) The department shall provide administrative and staff  
6 assistance to the committee at the committee's request.

7 SECTION 6. AMENDMENT. The Texas Department of Commerce Act  
8 (Article 4413(301), Vernon's Texas Civil Statutes) is amended by  
9 adding Section 2.005 to read as follows:

10 Sec. 2.005. ASSISTANCE TO CERTAIN BIOTECHNOLOGY COMPANIES.  
11 The department shall assist biotechnology companies interested in  
12 releasing genetically engineered microorganisms into the  
13 environment in identifying the pertinent federal regulatory  
14 requirements.

15 SECTION 7. EFFECTIVE DATE. This Act takes effect September  
16 1, 1989.

17 SECTION 8. EMERGENCY. The importance of this legislation  
18 and the crowded condition of the calendars in both houses create an  
19 emergency and an imperative public necessity that the  
20 constitutional rule requiring bills to be read on three several  
21 days in each house be suspended, and this rule is hereby suspended.

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DEC 12 1988

1. Filed with the Chief Clerk.

JAN 24 1989

2. Read first time and Referred to Committee on

Science & Technology

3. Reported favorably (as amended) (as substituted) and sent to Printer at \_\_\_\_\_

4. Printed and distributed at \_\_\_\_\_

5. Sent to Committee on Calendars at \_\_\_\_\_

6. Read second time (amended); passed to third reading (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

7. Motion to reconsider and table the vote by which H.B. \_\_\_\_\_ was ordered engrossed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

8. Constitutional Rule requiring bills to be read on three several days suspended (failed to suspend) by a four-fifths vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting.

9. Read third time (amended); finally passed (failed) by (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present, not voting).

10. Caption ordered amended to conform to body of bill.

11. Motion to reconsider and table the vote by which H. B. \_\_\_\_\_ was finally passed prevailed (failed) by a (Non-Record Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

12. Ordered Engrossed at \_\_\_\_\_

13. Engrossed.

14. Returned to Chief Clerk at \_\_\_\_\_

15. Sent to Senate.

\_\_\_\_\_  
Chief Clerk of the House

16. Received from the House

17. Read, referred to Committee on \_\_\_\_\_

18. Reported favorably

19. Reported adversely, with favorable Committee Substitute; Committee Substitute read first time.

20. Ordered not printed.

21. Regular order of business suspended by

(a viva voce vote.)

(\_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 22. To permit consideration, reading and passage, Senate and Constitutional Rules  
suspended by vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays.

\_\_\_\_\_ 23. Read second time \_\_\_\_\_ passed to third reading by:  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

\_\_\_\_\_ 24. Caption ordered amended to conform to body of bill.

\_\_\_\_\_ 25. Senate and Constitutional 3-Day Rules suspended by vote of \_\_\_\_\_ yeas,  
\_\_\_\_\_ nays to place bill on third reading and final passage.

\_\_\_\_\_ 26. Read third time and passed by  
(a viva voce vote.)  
( \_\_\_\_\_ yeas, \_\_\_\_\_ nays.)

OTHER ACTION:

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\_\_\_\_\_  
Secretary of the Senate

\_\_\_\_\_ 27. Returned to the House.

\_\_\_\_\_ 28. Received from the Senate (with amendments.)  
(as substituted.)

\_\_\_\_\_ 29. House (Concurred) (Refused to Concur) in Senate (Amendments) by a (Non-Record  
(Substitute) Vote) (Record Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, \_\_\_\_\_ present,  
not voting).

\_\_\_\_\_ 30. Conference Committee Ordered.

\_\_\_\_\_ 31. Conference Committee Report Adopted (Rejected) by a (Non-Record Vote) (Record  
Vote of \_\_\_\_\_ yeas, \_\_\_\_\_ nays, and \_\_\_\_\_ present, not voting).

\_\_\_\_\_ 32. Ordered Enrolled at \_\_\_\_\_